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NOTICE OF ALLOWANCE AND FEE(S) DUE

23370 7590 04/03/2009

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 04/03/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/880,430 06/13/2001

Robert Kenneth Pluha

47423/252726

5403

TITLE OF INVENTION: SYSTEMS AND METHODS FOR DISTRIBUTING TARGETED INCENTIVES TO FINANCIAL INSTITUTION CUSTOMERS

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1510 | \$0 | \$0 | \$1510 | 07/06/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23370 7590 04/03/2009

**JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/880,430 06/13/2001 Robert Kenneth Pliha 47423/252726 5403

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| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-----------------|----------|----------------|
| JANVIER, JEAN D | 3688 | 705-014000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

JANVIER, JEAN D

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1949 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1949 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

705/14
Notice of Allowability

Application No.

09/880,430

Examiner

JEAN JANVIER

Applicant(s)

PLIHA, ROBERT KENNETH

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/06/09.
2. ☒ The allowed claim(s) is/are 1 and 57-74.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Jean Janvier/
Primary Examiner, Art Unit 3688

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/06/09 has been entered and an Action follows.

Response to Amendments

First of all, the Examiner approves the amendment to the specification related to a statement associated with figure 17.

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered, but are moot in view of the new ground(s) of rejection.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney of record, Jason Gardner, on 03/26/09.

In claim 1, line 12, after "analyzing" and before "the account", please insert - **by a computer-** -

In claim 1, line 33, after "matching" and before "the at least one incentive", please insert - **by the computer-** -

In claim 74, line 3, after "receiving", please delete "**at a decile discount distribution module,**" and replace it with - **by a computer system-** -

In claim 74, line 8, after "analyzing", please delete "**by the decile discount distribution module,**" and replace it with - **by the computer system-** -

In claim 74, line 11, after "transaction data by the" and before "comprises:", please delete "**decile discount distribution module**" and replace it with - **computer system-** -

In claim 74, line 29, after "receiving", please delete "**by the decile discount distribution module,**" and replace it with - **by the computer system-** -

In claim 74, line 33, after "matching", please delete "**by the decile discount distribution module,**" and replace it with - **by the computer system-** -

In claim 74, line 38, after "distributing", please delete "**by the decile discount distribution module,**" and replace it with - **by the computer system-** -

In claim 70, line 3, please delete "**configured to store**" and replace it with --**for storing-**

In claim 70, line 3, please insert at the beginning of the line, or before **“a customer application database”**, - **-a computer system having - -**

In claim 70, line 8, please delete **“configured to analyze”** and replace it with **-for analyzing- -**

In claim 70, line 8, please insert at the beginning of the line, or before **“a transaction decile ranking database”**, - **-the computer system having - -**

In claim 70, line 29, please delete **“configured to store”** and replace it with **--for storing--**

In claim 70, line 29, please insert at the beginning of the line, or before **“a discount/incentive database”**, - **-the computer system having - -**

In claim 70, line 33, please delete **“configured to match”** and replace it with **-for matching- -**

In claim 70, line 33, please insert at the beginning of the line, or before **“a decile discount distribution model”**, - **-the computer system having - -**

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art taken alone or in combination fails to teach or suggest the limitations or a combination thereof or at least the step of “matching the at least one incentive to at least one of a plurality of financial institution customers based on the financial range ranking for each of the plurality of financial institution customers associated with the at least one of the plurality of

decile levels matched to the at least one incentive”, as recited in at least independent claims 1, 70 and 74. Hence, claims 1 and 57-74 are said to be patentable over the prior art.

For example,

WO 97/26061 to Goldberg discloses a system that stores users' demographic profiles, which, in one embodiment, has a data structure substantially identical to a **user** profile data structure. Such **demographic** profiles may have a variable length section for specifying requested values for user information items that may be provided in (potentially only a relatively small number of) **user** profiles. In some embodiments, a **demographic** profile includes a reference to the advertiser's or sponsor's identity, a reference to... substantially irrelevant to the advertiser or sponsor. Accordingly, regardless of the particular embodiment of the **demographic** profiles,, the **users"** **demographic** profiles are used to match (i.e., select) one or more corresponding advertising presentations with a particular target **group of users** that, presumably, are likely to purchase the product and/or service portrayed in such advertising... ..such advertising presentations may be provided to only users who are likely to be subsequent **customers**, advertisers and/or sponsors may provide to these **users** specifically **targeted** advertising having relatively expensive **promotionals**, such as product or service discounts, free samples, or a trial usage and so forth.

USP 5, 945, 953 to Walker discloses a system and process for establishing a function having a corresponding function identifier. The function is adapted to be processed during a transaction such as a point-of-sale transaction that may involve a credit card. The system and process involve identifying an account having an account identifier, establishing a function having a function identifier, and receiving a transaction request including the account identifier,

a transaction amount, and the function identifier. The system and process also process the transaction in accordance with the function to affect the transaction and, possibly, the transaction amount. An affect on the account is also contemplated. Additionally, the system and process are adapted to allow message to be presented by customers and credit card holders during a transaction for later appearance on a credit card statement or other notice (See abstract).

USP 5,857,175 to Day discloses a system (10) that makes use of computer (12), which includes database containing **customer account** information and special offers. The **special** offer includes at least one **targeted** offer which is presented to selected **customer accounts** on basis of targeting parameters. Several **customer** cards with machine readable card information indicates identification of card with particular **customer account**. A **customer** interface, in communication with computer, transfers data. A card reader in interface reads machine readable card information from the **customer** card. A customized **customer** offer list available to particular **customer account**, is generated. An offer communicator communicates customer offer list to generated customer. A check-out with card reader for reading customer card presents purchased item information indicating items purchased by customer. Information from customized customer offer list is sent to one check-out. Customer purchase information, which indicates purchased items via check-out, is collected. **Customer account** information is edited to reflect items purchased by **customer**. Categories of products are defined and provided, thereby permitting special offer for one brand of product per category.

In an article, "UK: INNOVATIVE EXPERIMENT BY AMERICAN EXPRESS" published in the Sunday Times (ST) on 15 April, 1996, it is described that American Express (Amex) has conducted tests since July 1995 in Britain in order to target its customers with

special offers, which are designed to match buying habits of the cardholders. The company, using a technique known as micro-marketing and thanks to specifically designed computer models, sends a different page of offers to each cardholder to maximize the percentage of response to promotions. The early results of the experiment have shown for instance that the percentage of response for a car rental offer increased to 9.32% when the offer was sent to specific cardholders compared with 0.06% when it was sent to cardholders who did not have customized statements. Amex expects to satisfy better its two sets of customers, its cardholders and its merchants, thanks to this innovation.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. James Myhre, can be reached at (571) 272- 6722.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

Re. 01/05/08

03/29/09

/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688

Application/Control Number: 09/880,430
Art Unit: 3688

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